

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>STEPHEN L. BURTON, ATTORNEY AT LAW SBN 113748 16133 VENTURA BOULEVARD, 7TH FLOOR ENCINO, CALIFORNIA 91436 (818) 501-5055 (818) 501-5849</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: DEBTORS</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1432 535"><p>FILED & ENTERED</p><p>JUN 01 2018</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bakchell DEPUTY CLERK</p></div> <p>CHANGES MADE BY COURT</p>
<p><u>NOT FOR PUBLICATION</u></p> <p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION</p>	
<p>In re:</p> <p>ASHOT MEZHLUMYAN</p> <p>MERY FAYROYAN</p> <p>Debtor(s).</p>	<p>CASE NUMBER: 2:12-39261 RK</p> <p>CHAPTER: 7</p> <p>ORDER <input type="checkbox"/> GRANTING <input checked="" type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held DATE: TIME: COURTROOM: ADDRESS:</p>
<p>Creditor Holding Lien to be Avoided (name):</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☐ Notice of this Motion complied with LBR 9013-1(o).
 - a. ☒ There was no opposition and request for hearing.
 - b. ☐ Hearing requested and held as indicated in the caption.
3. ☐ Motion granted as set forth in the **Attachment** to this order.

"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. ☒ Motion denied on the following grounds: ☐ with prejudice ☒ without prejudice

- a. ☒ Insufficient notice
- b. ☐ Insufficient evidence of the exempt status of the property in question
- c. ☐ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
- d. ☐ Insufficient evidence of fair market value.
- e. ☒ Motion is incomplete.
- f. ☒ Other (*specify*):

Debtors filed one motion to avoid three separate liens of three different creditors with one motion, which violates Local Bankruptcy Rule 4003-2(b)(1), which requires that a separate notice and motion must be filed for each lien sought to be avoided. The notice of motion on page 1 of the motion states that the creditor whose lien is to be avoided is Discover Bank, but the body of the motion in paragraph 10 on page 2 of the motion and the proposed order lodged with the court for the motion identified that the liens to be avoided by this motion are the liens of three creditors, Target National Bank, Citibank and Discover Bank. Notice is also defective because the notice of motion on page 1 of the motion is addressed to only lien creditor Discover Bank, which fails to give notice to the other lien creditors, Target National Bank and Citibank, that the motion affects them. Moreover, the portion of the motion describing the lien to be avoided in paragraph 6 of the motion on page 2 only describes the lien of Discover Bank, and not the others.

5. ☒ The court further orders as follows (*specify*):

To correct this violation of Local Bankruptcy Rule 4003-2(b)(1), the court grants leave within 60 days of the entry of this order for Debtors to file amended separate motions to avoid liens identifying each lien creditor in the notice of motion and to avoid each lien separately.

The court designates this order as an opinion to be posted on the court's website as guidance for the bar because the court sees this type of violation frequently.

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Date: June 1, 2018



Robert Kwan
United States Bankruptcy Judge